


HUANG REPLY AFFIDAVIT

EXHIBIT 1

513
RECEIVED

LAW ENFORCEMENT AGENCY CASE NO. <u>00-12996</u>	ARREST DATE <u>5.20.06</u>	FOR DMV USE ONLY <u>JUN - 3 2006</u>	
DRIVER'S NAME (LAST, FIRST, M.I.) <u>BJATNABAR, ABHINAV (NMI)</u>		DRIVER LICENSE NO. <u>D3219866</u>	CLASS <u>C</u>
MAILING ADDRESS <u>36927 PADAYA ST, NEWARK CA 94560</u>		STATE <u>CA</u>	ZIP CODE <u>94560</u>
DOB: <u>4.30.76</u> Sex: <u>M</u> Hair: <u>BLK</u> Eyes: <u>BRN</u> Ht.: <u>510</u> Wt.: <u>160</u>		THUMB PRINT (Right thumb or specify) 	
Driver License: <input type="checkbox"/> Suspended/Revoked <input checked="" type="checkbox"/> Surrendered to Officer (Attach) <input type="checkbox"/> Not in Possession <input type="checkbox"/> Out-of-State			
<input type="checkbox"/> 0.08% or more BAC Chemical Tests Results <input type="checkbox"/> Chemical Test Refusal <input type="checkbox"/> Forced Blood Test			
(Complete reverse)		(Complete reverse)	

Vehicle Lic. No. or VIN SFXAS10 ☐ COMMERCIAL VEHICLE: Vehicle operation requires a commercial driver license (Section 15210 CVC). On 5.20.06 at 0108 AM PM in (City and County) SAN RAMON CONTRASTA CA, the above named driver was:

- ☒ Driving: ☒ observed by this officer or ☐ the observer shown in the shaded area below, ☐ admitted to driving.
☐ Arrested per Section 40300.5 CVC. (Describe details in probable cause section on second page.)
☐ Involved in a collision. Attach collision report. In the probable cause section on the second page, describe how time of collision was established.

I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was arrested by this officer or by the person shown in the shaded area below on 5/20/06 (Day/Month/Year) at 0108 AM PM for violation of Section 23152 or 23153 CVC, or Section 191.5(a) or 192(c) of the Penal Code.

PROBABLE CAUSE. Describe in detail the facts and circumstances that led to the stop or contact. If driving was observed by someone other than the arresting officer, what did the observer say? State details on second page of this form hereby incorporated by reference, and sign the certification on the second page.

<input checked="" type="checkbox"/> Driving observed	<input checked="" type="checkbox"/> Driver arrested	<input type="checkbox"/> Collision witnessed	By <input type="checkbox"/> Another Officer <input type="checkbox"/> Citizen	<input type="checkbox"/> Driving observed	<input type="checkbox"/> Driver arrested	<input type="checkbox"/> Collision witnessed	By <input type="checkbox"/> Another Officer <input type="checkbox"/> Citizen
NAME (PLEASE PRINT)				NAME (PLEASE PRINT)			
ADDRESS				ADDRESS			
TELEPHONE NO.		OFFICER'S BADGE/ID NO.		TELEPHONE NO.		OFFICER'S BADGE/ID NO.	
()		()		()		()	

OBJECTIVE SYMPTOMS of intoxication ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☒ Unsteady gait ☐ Slurred speech
☐ Other: Observed by: J INDRASSIA at 0110 AM PM

CHEMICAL TEST 0.08% OR MORE BLOOD ALCOHOL CONCENTRATION (BAC)			
Breath Test Results (Attach copy of the results, if available)			
TEST 1	% BAC on	DATE	TIME
TEST 2	% BAC on	DATE	TIME
BREATH TEST MACHINE OPERATOR'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the California Code of Regulations.			
Date	Signature X	Badge/ID No.	Agcy./Div.
Blood Test Results		<input checked="" type="checkbox"/> Blood Test on <u>5.20.06</u> DATE TIME <u>AM</u> PM <input type="checkbox"/> Forced Blood Test	
Urine Test Results		<input type="checkbox"/> Both Breath and Blood tests unavailable. <input type="checkbox"/> Drug use suspected.	
<input type="checkbox"/> Urine Test		First Void on DATE TIME AM/PM Test on DATE TIME AM/PM	

I certify under penalty of perjury, under the laws of the State of California, that the information contained in this Officer's Statement is true and correct.

EXECUTED ON: Date <u>5.20.06</u> AT: City <u>SAN RAMON</u> County <u>CONTRA COSTA</u> State <u>CA</u>		
OFFICER'S PRINTED NAME <u>J INDRASSIA</u>	BADGE/ID NO. <u>65945</u>	TELEPHONE NO. <u>(925) 646-2441</u>
AGENCY <u>SRPD</u>	AREA <u>0700</u>	COURT CODE (IF UNKNOWN, COURT NAME) <u>WJC SUPERIOR</u>
<input checked="" type="checkbox"/> I did <input type="checkbox"/> did not personally serve a copy of the Order of Suspension/Revocation to the driver on the issue date shown below.		
ISSUE DATE OF ORDER <u>5.20.06</u>	SIGNATURE OF ARRESTING OFFICER <u>X</u>	
IF ORDER SERVED BY ANOTHER OFFICER: I personally served a copy of the order to the driver on the date shown below:		
ISSUE DATE	OFFICER'S PRINTED NAME	SIGNATURE OF OFFICER
		<u>X</u>



A Public Service Agency

COMPLETE IN BLACK INK

OFFICER'S STATEMENT

SECTIONS 13353 AND 13353.2 CVC

LAW ENFORCEMENT AGENCY CASE NO. <u>00-12996</u>	ARREST DATE <u>5-20-06</u>	FOR DMV USE ONLY				
DRIVER'S NAME (LAST, FIRST, MI.) <u>SHATNAGAR, ARUNAV (NMI)</u>	DRIVER LICENSE NO. <u>032193116</u>	CLASS <u>C</u>	STATE <u>CA</u>	THUMB PRINT (Right thumb or specify)		
MAILING ADDRESS <u>3607 Poplar ST, NEWARK CA 94560</u>	STATE <u>CA</u>	ZIP CODE <u>94560</u>				
DOB: <u>4-30-76</u>		Sex: <u>M</u>	Hair: <u>BLK</u>	Eyes: <u>BRN</u>	Ht.: <u>5'10</u>	Wt.: <u>160</u>
Driver License: <input type="checkbox"/> Suspended/Revoked <input checked="" type="checkbox"/> Surrendered to Officer (Attach) <input type="checkbox"/> Not in Possession <input type="checkbox"/> Out-of-State <input type="checkbox"/> 0.08% or more BAC Chemical Tests Results <input type="checkbox"/> Chemical Test Refusal <input type="checkbox"/> Forced Blood Test						

PROBABLE CAUSE (DESCRIBE IN DETAIL THE FACTS AND CIRCUMSTANCES THAT LED TO THE STOP OR CONTACT. COMPLETE AND SIGN THE CERTIFICATION BELOW.)

On 05/20/2006 and 0108 hours, I was driving in a marked San Ramon patrol car in full uniform at westbound Bollinger Canyon Road near the intersection with Market Place. While at this location I saw silver Nissan Sentra (CA Lic 5FXA510) make a u-turn from westbound Bollinger Canyon Road to eastbound Bollinger Canyon Road at the intersection with Bishop Ranch 1 East. This turn was a violation of VC 22101(d) as there was sign at this intersection that read, "No U-Turn." I waited for a safe time to proceed through the intersection and made a u-turn at the same intersection, with the intentions of catching up to the vehicle to make a traffic stop. The vehicle then made a right turn into the number one (left) lane of southbound Market Place and I followed. The vehicle then made an abrupt right turn from the left lane, across the right lane of Market Place, into the Valero Gas Station at 1081 Market Place. When the vehicle made this turning movement he was directly in front of me and I was forced to use my breaks to slow down to avoid a possible collision, a violation of VC 22107. The vehicle then pulled next to a gas pump and stopped. I activated my emergency lights to signal to the driver that I was making a traffic stop.

I exited my patrol car and made contact with the driver of the vehicle, S-Bhatnagar, at the open driver's door window. Bhatnagar identified himself with an expired California Driver License. While I was talking to Bhatnagar, I notice a slight odor of an alcoholic beverage coming from his breath. I also noticed that Bhatnagar had bloodshot droopy eyes and a slightly slurred speech. I asked Bhatnagar if he had drank any alcoholic beverages tonight? Bhatnagar told me he drank 1 1/2 glasses of wine at a restaurant in Pleasant Hill, but could not remember the name of the restaurant. I performed a Horizontal Gaze Nystagmus (HGN) test of Bhatnagar using my finger as stimulus. Bhatnagar had a lack of smooth pursuit to the stimulus with the HGN onset at maximum deviation and an angle of onset at approximately 40 degrees.

I certify under penalty of perjury, under the laws of the State of California, that the information in the above statement is true and correct.

EXECUTED ON: Date 5-22-06 AT: City SAN RAMON County CONTRA COSTA State CA

OFFICER'S PRINTED NAME <u>J. INDRASSIA</u>	SADGE/ID NO. <u>65945</u>	SIGNATURE OF OFFICER <u>X J. In</u>
AGENCY <u>SRPD</u>	AREA <u>0700 WC SUPERIOR</u>	

